

# **EXHIBIT I**

Kim Francis

October 17, 2019

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

---

MARTHILDE BRZYCKI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2:18-cv-01582-MJP
	)	
HARBORVIEW MEDICAL CENTER and	)	
UNIVERSITY OF WASHINGTON,	)	
	)	
Defendants.	)	

---

DEPOSITION UPON ORAL EXAMINATION

OF

KIM FRANCIS

---

705 Second Avenue, Suite 1200  
Seattle, Washington

DATE: Thursday, October 17, 2019

REPORTED BY: Donald W. McKay, RMR, CRR, CCR 3237

SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com

206.622.6661 \* 800.657.1110

FAX: 206.622.6236

1 A. My manager knows that I'm not at work.

2 Q. Okay. But you didn't talk about what you would  
3 be saying in the deposition or anything like that?

4 A. Oh, no.

5 Q. Did you talk with Kathy Hare about your  
6 deposition?

7 A. She also knows that I have one.

8 Q. Okay. Fair enough.

9 Okay. Are you currently employed by  
10 UW Medicine?

11 A. Yes.

12 Q. What is your current title?

13 A. I am a leave specialist lead.

14 Q. What are your responsibilities as leave  
15 specialist lead?

16 A. The leave specialist's role is to review  
17 incoming requests for medical leave, approve or deny  
18 them based on regulations and university policy,  
19 correspondence with employees, health care providers,  
20 department management, as part of that process, and also  
21 do the same for disability accommodations as well.

22 And as the lead, I'm responsible for onboarding  
23 any new member of our team and other duties as assigned,  
24 which would be making sure that the letter -- you know,  
25 templates that we use are up to date and according to

1 while you acted as leave consultant. Is that correct?

2 A. As HR consultant, yes.

3 Q. Okay. Was Debbie Reandeau already an employee  
4 of Harborview Human Resources before she began filling  
5 in for you as leave specialist?

6 A. No.

7 Q. No? So was she a new employee?

8 A. Yes.

9 Q. About when did she start?

10 A. She would have started in November of 2016,  
11 roughly.

12 Q. You said Debbie would have received this because  
13 she was the leave specialist. Correct?

14 A. Correct.

15 Q. So as a leave specialist -- what does the leave  
16 specialist do -- in 2016, 2017 -- when the leave  
17 specialist receives a request for an accommodation?

18 A. The first step would be to evaluate whether or  
19 not the request is clear and whether or not the medical  
20 documentation received provides a medical reason for  
21 that request. If that all checks out, then you would  
22 reach out to the department to ask if they can make that  
23 accommodation.

24 MS. FIX: Okay.

25 (Exhibit 29 marked for identification.)

1 MS. FIX: Seth, are you ready to go?

2 MR. BERNTSEN: Go ahead.

3 (Exhibit 31 marked for identification.)

4 BY MS. FIX:

5 Q. Take a moment to look at this document and I'll  
6 ask you some questions.

7 A. Okay.

8 Q. Okay. Do you recognize the document in  
9 Exhibit 31?

10 A. Yes.

11 Q. What is the document in Exhibit 31?

12 A. It is a Family and Medical Leave Health Care  
13 Provider Certification.

14 Q. So this would be the HCPS that you referred to  
15 in Exhibit 25?

16 A. Correct.

17 Q. And based on the stamp that is near the bottom  
18 of the page, Human Resources received this on June 27,  
19 2017. Correct?

20 A. Correct.

21 Q. And at that time, had you returned to working as  
22 leave specialist?

23 A. I believe so.

24 Q. So did you receive this document when it came  
25 into HR?

1           A.   I would believe, yes.

2           Q.   So look at the second page of this exhibit.

3   About two-thirds of the way down, it says,

4   "Reduced/Modified Work Schedule."   Correct?

5           A.   Correct.

6           Q.   It says, "Patient can return to work 20 hours  
7   per week x two months."   Correct?

8           A.   Correct.

9           Q.   So when HR receives a request such as this  
10   part-time return to work, what does HR do?

11          A.   It depends.

12          Q.   Well, what do you do when you receive that  
13   request?

14          A.   Well, it depends whether the person qualifies  
15   for FMLA or not.

16          Q.   Okay.

17          A.   So if they qualify for FMLA, we would approve a  
18   reduced schedule leave where the other 20 hours or the  
19   other remainder of their FTE would be FMLA leave.   If  
20   they don't qualify for FMLA, then this would be treated  
21   like an accommodation request, and you would ask the  
22   department if they could accommodate the reduced  
23   schedule.

24          Q.   So if we look back at Exhibit 25, there is a row  
25   in the table dated June 27, 2017.   Correct?

1 A. Correct.

2 Q. So does this indicate whether this part-time  
3 return to work was approved?

4 A. This would indicate that there was a leave  
5 approval for that time frame, yes.

6 Q. For reduced scheduling.

7 A. Correct.

8 (Exhibit 32 marked for identification.)

9 BY MS. FIX:

10 Q. Take a look at Exhibit 32 and let me know when  
11 you're ready to answer.

12 A. Okay.

13 Q. Exhibit 32 is an e-mail thread between you and  
14 Tricia Roland. Correct?

15 A. Correct.

16 Q. What was the purpose of this e-mail discussion?

17 A. It was asking if the department could  
18 accommodate the reduced schedule.

19 Q. Did you have any discussion with Ms. Roland  
20 about the reduced schedule?

21 A. Other than the e-mail string?

22 Q. (Nods head).

23 A. I don't recall. I don't think so.

24 Q. Do you remember whether Ms. Roland provided you  
25 with a proposed reduced schedule for Ms. Brzycki after

1 you sent her this e-mail?

2 A. Yes.

3 Q. Did she send it to you for your review or did  
4 she send you a final version?

5 A. I believe it was a final version.

6 Q. Do you remember -- did you and Ms. Roland have  
7 any back and forth with the proposed schedule?

8 A. I believe we did, because the return to work  
9 date was around a holiday.

10 Q. Do you remember whether that -- that discussion  
11 about the return to work date, was that in e-mails or in  
12 a call or in person?

13 A. I don't recall which.

14 Q. Was the issue of the return to work date  
15 resolved?

16 A. I believe so.

17 (Exhibit 33 marked for identification.)

18 BY MS. FIX:

19 Q. Are you ready?

20 A. I'm ready.

21 Q. Do you recognize this e-mail?

22 A. Yes.

23 Q. And what is this e-mail?

24 A. It is the proposed reduced schedule -- Tricia  
25 had documented it, I guess, in PowerPoint, I'm not



1 sure -- outlining, the first part, around the 4th of  
2 July holiday, and then going forward, a second part.

3 Q. Does this refresh your memory about whether you  
4 had reviewed the proposed return to work schedule before  
5 she sent it to Ms. Brzycki?

6 A. I don't think I did.

7 Q. Now, turn to the second page of the exhibit. So  
8 the second page is a table headed, "First Week Back."

9 A. Correct.

10 Q. And the accommodation that Ms. Brzycki had asked  
11 for or that her physician had asked for was a 20-hour  
12 return to work schedule.

13 A. Correct.

14 Q. Twenty hours per week.

15 And looking at the first week, how many hours  
16 does this schedule include?

17 MR. BERNTSEN: Object to form. Calls for  
18 speculation. Lacks foundation.

19 THE WITNESS: Do I answer?

20 BY MS. FIX:

21 Q. If you can.

22 A. Okay. Can I have a pen to do some math?

23 Q. Sure.

24 A. I'm not sure how to read the top portion on  
25 Friday.

1 Q. Okay. Fair enough.

2 A. But it looks like roughly five hours a day.

3 Q. Okay. Fair enough.

4 And then looking at the second page of the  
5 document --

6 A. Um-hmm.

7 Q. -- do you know what this second page is meant to  
8 represent?

9 A. It's her work schedule going forward to meet the  
10 20 hours per week.

11 (Exhibit 34 marked for identification.)

12 BY MS. FIX:

13 Q. Okay. Take a look at this and let me know when  
14 you're ready.

15 A. Okay.

16 Q. Have you seen this document before?

17 A. No.

18 Q. Looking at the bottom of the first page, there  
19 is an e-mail on June 30, 2017 from mjeanty, which is  
20 Mattie Brzycki's e-mail address. Correct?

21 A. Yes.

22 Q. Had you seen this portion of the e-mail before?

23 A. Are you talking about this page?

24 Q. On page one, starting at the bottom, where it  
25 says, "On June 30, 2017," and then it continues onto the

1 second page.

2 A. I don't believe so.

3 Q. So looking back at Exhibit 33 and the schedule  
4 that's attached starting on page two, you testified  
5 before that a reduced schedule can be offered as an  
6 accommodation for a disability. Correct?

7 A. Correct.

8 Q. So do you consider this schedule, then, an  
9 accommodation for Ms. Brzycki's disability?

10 A. Correct.

11 Q. Going back to Exhibit 34, in the second full  
12 paragraph of Ms. Roland's e-mail --

13 A. Right.

14 Q. -- she writes, "This schedule/workflow is not up  
15 for negotiation..."

16 Is that consistent with how the university  
17 handles disability accommodations?

18 A. No.

19 Q. And why not?

20 A. Because at any point in time, the department or  
21 the employee could re-engage in the process.

22 Q. Tell me what you mean by that.

23 A. If I had received this information, I would have  
24 re-engaged in the disability accommodation process and  
25 seen if there were other modifications to that schedule

1 that would have worked for both the employee and/or the  
2 department.

3 Q. Are you aware of whether that happened in this  
4 case?

5 A. It did not.

6 MS. FIX: Seth, if you want a lunch break, this  
7 might be a good point, because I think the next chunk is  
8 going to take a while.

9 THE REPORTER: Do you want to go off the record  
10 for this?

11 MS. FIX: Please. I'm sorry.

12 (Discussion off the record.)

13 MS. FIX: We can go back on the record. Thank  
14 you.

15 BY MS. FIX:

16 Q. Can you look back at Exhibit 25, which is the  
17 timeline that you put together.

18 A. Okay.

19 Q. In the table, there is a row for 7/7/17, which  
20 says, "Phone call from Ms. Brzycki about accommodation  
21 request in Feb."

22 A. Um-hmm.

23 Q. Was that a phone call that you had with  
24 Ms. Brzycki?

25 A. Yes.

